

WISHA Interim Operations Memorandum
Washington Department of Labor and Industries
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EXPLOSIVES MAGAZINE LICENSING INSPECTION PROCEDURES

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Background

Title 70.74 RCW, the Explosives Act, is a public safety law that requires, among other things, regular “certification” inspections of licensed explosives storage sites. Because of the unique characteristics of the Explosives Act, several standard inspection procedures described in the WISHA Compliance Manual, including those related to issuance of citations and calculation of penalties, do not apply to such licensing inspections.

This interim memo, as well as the related guidance in WISHA Interim Operations Memoranda 98-4-E and 98-4-F, provides guidance to regional managers, safety compliance supervisors and explosives inspectors regarding such inspections.

Policy

1. *When should inspections of licensed magazines be conducted?*

WISHA explosives inspectors and/or their supervisors are expected to schedule magazine inspections from the magazine scheduling reports provided by the Explosives Licensing desk in WISHA P&TS. Inspections must be conducted within one year of the last inspection date.

WISHA P&TS will provide the following magazine scheduling reports to safety compliance supervisors who supervise explosives inspectors:

- a. *Priority report* -- this weekly report includes the following priority inspections:
 1. magazine moves
 2. explosive incidents
 3. cancellation of explosive licenses
- b. *60-day scheduling report* -- this monthly report lists magazines that have an expiration date within 60 days
- c. *Master magazine list* -- this annual report lists active magazines within the area of the inspector’s responsibility
- d. *Other licensee reports* -- these reports will be provided upon request

2. *When should a WISHA Citation and Notice be issued as a result of a magazine inspection?*

- a. Inspections must be conducted according to the guidance in the WISHA Compliance Manual (as well as this and other related interim memoranda) and a citation and notice issued (with appropriate penalties) *if* the inspection was initiated for any reason other than a licensing review or the request of the licensee.
- b. If the inspector determines that circumstances warrant an inspection with the potential for penalties during a licensing review, he or she must open such an inspection with the licensee and proceed according to the appropriate guidance in the WISHA Compliance Manual.

Note: Such a decision, made because of the degree of non-compliance, worker exposure, or the level of the hazard, should be the exception rather than the rule. Most such licensing reviews are to be handled in accordance with the guidance provided below.

3. *How should inspectors handle magazine inspections that result from licensing reviews?*

The inspector must complete a Magazine Inspection Report (sample attached) for all magazine inspections conducted for licensing purposes (even if the inspector determines that a full inspection should be conducted according to the guidance in 2.b above). Such inspection reports must be forwarded to the Explosives Desk in WISHA P&TS on a weekly basis.

Magazine Inspection Reports should also be used for consultative and technical visits when no employee/employer relationship exists.

4. *How should inspectors handle inspections of magazines operated by the same licensee but located in different places?*

Magazines at separate locations must be inspected separately and all necessary documentation (qualified person in charge, site address, etc.) provided for each site.

5. *Can inspectors provide advance notice of magazine inspections?*

Advance notice may be required to expedite initial, remote or difficult magazine inspections, which are not conducted pursuant to WISHA but instead to the Explosives Act. In such cases, the licensee or other responsible person should be contacted to schedule the visit and provide any necessary assistance.

Inspectors must avoid giving advance notice if suspicious conditions exist, suggesting that tools or other improper items may be stored inside the magazine or that explosives may be moved out prior to inspection.

6. *Should WISHA explosives inspectors conduct inspections at mining sites under the jurisdiction of the Mining Safety and Health Administration (MSHA)?*

Yes. However, in such cases, WISHA explosives inspectors must inspect only in relation to licensing and storage requirements under Chapter 296-52 WAC.